

#### REMARKS

The specification has been amended on page 16 to delete the embedded hyperlink reference.

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 9, 18 and 19 have been cancelled, while the claims have been amended for clarity. In addition, new claims 21 and 22 have been added and claim additional features of the invention.

The Examiner has rejected claims 1-9 and 11-19 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,748,237 to Bates et al. The Examiner has further rejected claims 10 and 20 under 35 U.S.C. 103(a) as being unpatentable over Bates et al. in view of U.S. Patent 6,813,755 to Finseth.

The Bates et al. patent discloses automated selection of audio broadcast signal source based on user preference criterion, in which "program information, e.g., in the form of program information packets, is embedded within the digital data stream" (col. 2, lines 64-67), is used to identify the parameters of the program content being received. This information is separately received and compared with the user's preferences, for selecting the desired program content.

The subject invention also relates to audio broadcast signal reception and the selection of programming corresponding to a user's preferences. However, instead of receiving and decoding an

auxiliary signal, i.e., the separate program information packets, the subject invention includes "program content type classification means coupled to said tuning arrangement for receiving said program content and for generating, from said program content, a program content type signal characterizing the program content, the controller receiving and comparing said program content type signal to said stored at least one preference, and enabling the tuner arrangement to be tuned to a carrier frequency of a program source having a program content type corresponding with the preference for the program type of the user." The program content type classification means is described in the specification on page 5, line 21 to page 6, line 17. As such, the subject invention generates the program content type information from the program content itself, and not from a separate data transmission.

It is well founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicants submit that the program content type classification means is neither shown nor suggested in Bates et al.

The Finseth et al. patent discloses a method and apparatus for sharing viewing preferences, in which preferences of multiple users is stored and accessed when desired. These preferences are


compared with data received from, for example, an electronic programming guide.

However, Applicants submit that Finseth et al. does not supply that which is missing from Bates et al., i.e., "program content type classification means coupled to said tuning arrangement for receiving said program content and for generating, from said program content, a program content type signal characterizing the program content, the controller receiving and comparing said program content type signal to said stored at least one preference, and enabling the tuner arrangement to be tuned to a carrier frequency of a program source having a program content type corresponding with the preference for the program type of the user", in which the program content type classification means generates the program content type information from the program content itself, and not from a separate data transmission.

In view of the above, Applicants believe that the subject invention, as claimed, is nether anticipated nor rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicants believe that this application, containing claims 2-9 and 11, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by   
Edward W. Goodman, Reg. 28,613  
Attorney  
Tel.: 914-333-9611

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On April 18, 2005  
By Burnett James

